

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DEBORAH L. TOOMEY, et al.,

Plaintiffs,

vs.

No. CIV-12-1100 JB/LAM

**CITY OF TRUTH OR CONSEQUENCES,
a municipal corporation,**

Defendant.

ORDER REGARDING METHOD OF NOTICE FOR 65 PLAINTIFFS

THIS MATTER is before the Court *sua sponte*. This case involves sixty-five (65) *pro se* Plaintiffs, many of whom have provided the Court with both a P.O. Box address and a physical address. *See [Doc. 1-1 at 38-46]*. This has resulted in numerous filings in this case being returned to the Court because the Post Office does not or will not deliver mail that is addressed to both a P.O. Box address and a physical address. In addition, has become a burden to this Court in terms of the expense of office supplies and postage, as well as the large number of hours required by the Clerk's office staff, to print and mail a copy of every document filed in this case, many of which are more than 20 pages long. The Court has the discretion to allow *pro se* parties to receive notice of filings electronically or by fax. Therefore, the Court will require each *pro se* Plaintiff in this case to provide to the Clerk of the Court either an e-mail address *or* a fax number (but not both), if they have one. This notice must be provided **in writing within five (5) days of receipt of this order using the attached form**. By doing so, each Plaintiff acknowledges that they shall thereby receive notice of any document filed in this case either by e-mail or fax, *instead of by mail*.

Plaintiffs who do not have either an e-mail address or a fax by which to receive notice of filings in this case, and have provided both a P.O. Box address and a physical address to the Court, must notify the Clerk of the Court as to whether they prefer to receive documents at their P.O. Box address **or** their physical address (but not both). This notice must be provided **in writing no later than five (5) days of receipt of this Order using the attached form**. For those Plaintiffs who have both a P.O. Box address and a physical address, the Court will send **this** Order to the P.O. Box address and, if that mail is returned to the Court, the Court will then send the Order to the physical address provided for that Plaintiff in Document 1-1. If any Plaintiff with both a P.O. Box address and physical address does not submit the attached form to the Court **within fifteen (15) days of entry of this order**, the Court will use the P.O. Box address provided to the Court in Document 1-1 for notice of all filings in this case unless mail to that address is being returned as undeliverable, in which case, the Court will use the physical address. For all Plaintiffs, if the Court receives mail returned as undeliverable for both the P.O. Box address, if applicable, and/or physical address, the Court will enter an Order to Show Cause why that Plaintiff should not be dismissed from the case for failure to keep their contact information current with the Court pursuant to D.N.M. LR-Civ. 83.6.

Because Plaintiff Deborah Toomey appears to have taken the lead in filing this case, the Court asks that she contact all Plaintiffs about this Order and the importance of providing accurate contact information to the Court. The Court reminds all parties that they have a continuing duty to notify the Clerk, in writing, of any change in their contact information. *See* D.N.M. LR-Civ. 83.6.

IT IS THEREFORE ORDERED that each Plaintiff in this case to provide to the Clerk of the Court ***either*** an e-mail address ***or*** a fax number (but not both), if they have one. This notice must be provided **in writing within five (5) days of receipt of this order using the attached form**.

IT IS FURTHER ORDERED that any Plaintiff who does not have either an e-mail address or a fax by which to receive notice of filings in this case, and has provided both a P.O. Box address and a physical address to the Court, must notify the Clerk of the Court as to whether they prefer to receive documents *either* at their P.O. Box address *or* their physical address (but not both). This notice must be provided **in writing no later than five (5) days of receipt of this Order using the attached form.**

IT IS SO ORDERED.



LOURDES A. MARTINEZ
UNITED STATES MAGISTRATE JUDGE